



City of Hampton, VA
NOTICE OF ACTION
City Council – Regular Meeting

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Wednesday, May 11, 2005 – 7:30 P.M.

Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II, Mayor

Staff:

***Jesse T. Wallace, Jr., Interim City Manager
A. Paul Burton, City Attorney
Katherine K. Glass, Clerk of Council***

CALL TO ORDER/ROLL CALL

INVOCATION – Councilman Charles N. Sapp

PLEDGE OF ALLEGIANCE TO FLAG

CONSENT AGENDA

1. 05-0307 Minutes for the special and regular meetings held April 27, 2005.
2. 05-0297 Resolution approving FY05 Third Quarter Budget Adjustments.
3. 05-0265 Request for refunds of erroneous tax assessments.
4. 05-0268 Resolution approving acquisition of right-of-way from Community Presbyterian Church located at 400 Fox Hill Road.
5. 05-0288 Resolution approving appropriation of program income to the FY2005 HOME Investment Partnership Program.
6. 05-0290 Resolution approving acceptance and appropriation of the Virginia Department of Emergency Management for Local Capability Assessment for Readiness (LCAR).
7. 05-0292 Resolution approving participation and appropriation of the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Administration FY05 Edward Byrne Memorial Justice Assistance Grant.
8. 05-0293 Resolution accepting and appropriating a \$1,000 donation to the Hampton Citizens Corps Council, through the Buckroe Volunteer Fire Company from Wal-Mart Foundation.
9. 05-0299 Resolution approving the City's participation and appropriation of the Office of Domestic Preparedness 2005 State Homeland Security Grant Program, administered through Hampton Police Division, Office of Emergency Management from the Commonwealth of Virginia, Department of Emergency Management.

10. 05-0308 Resolution requesting \$1,904,280 from the Virginia Department of Transportation's Local Partnership Fund for the Armistead Avenue Connector Project, Phase 1A Project.

ACTION: Items 1 through 7, 9 and 10 on the Consent Agenda were **APPROVED**. Item 8 was moved to the Regular Agenda and **APPROVED**.

PRESENTATIONS, PROCLAMATIONS, AWARDS

11. 05-0294 Proclamation proclaiming May 15-21, 2005 as Emergency Medical Services Week in the City of Hampton.

ACTION: Councilman Turner Spencer read and presented the proclamation to Chief James Gray and Battalion Chief Bettie Reeves-Nobles.

12. 05-0304 Proclamation proclaiming May 15-21, 2005 as Business Appreciation Week in the City of Hampton.

ACTION: Councilman Gilliland read and presented proclamations to Mr. Stuart Goodman, Owner, Goodman & Sons Jewelers; Mr. Robert Baker, General Manager, Alcoa Howmet Casting; and Dr. Ardash Deepak, President, Science and Technology Corporation.

13. 05-0312 Resolution honoring Hunter B. Andrews.

ACTION: Mayor Kearney read and Council **APPROVED** the resolution. The Mayor presented the resolution to Mrs. Cynthia B. Andrews.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

PUBLIC HEARINGS

Rezoning – First Reading

14. 05-0305 Rezoning Application No. 1203 by PMP, LLC to rezone 41.7± acres at the intersection of Briarfield Road and Power Plant Parkway, including 1663 Briarfield Road and 1609 Power Plant Parkway, from One Family Residence (R-11 and R-13) Districts to One Family Residence (R-9) District, for single-family residences. The 2010 Comprehensive Plan recommends low density residential development for the majority of the site with a commercial/mixed-use node developing at the intersection of Briarfield Road and Power Plant Parkway. R-11 permits single-family development at a density of 3.5 to 4.5 units per acre. R-13 permits single-family development at a density of 2.5 to 3.5 units per acre. R-9 permits single-family development at a density of 5 to 6.5 units per acre.

ACTION: **DEFERRED until May 25, 2005.**

Conditional Privilege

15. 05-0303 Conditional Privilege No. 81 by Hampton-Newport News Community Services Board to operate an Adult Day Care 3 program in Building #100 of the Hampton-Newport News Community Services Board Central Campus at 100 Medical Drive. The property is zoned C-1, Neighborhood Commercial District. The 2010 Comprehensive Plan recommends commercial use in this area.

ACTION: APPROVED, subject to two conditions.

GENERAL ITEMS

Resolutions

16. 05-0295 A resolution authorizing the transfer from the City of Hampton to the Hampton Redevelopment and Housing Authority a 2.0461± acre parcel located off Freeman Drive in the Crossroads area at Coliseum Central.

ACTION: APPROVED

17. 05-0301 A resolution approving the terms of a development agreement and ground lease between the Hampton Redevelopment and Housing Authority and Collins Enterprises, L.L.C. and a cooperation agreement between the City of Hampton and the Hampton Redevelopment and Housing Authority, and authorizing the execution and delivery of said cooperation agreement for the Collins Condominium project in Downtown Hampton.

ACTION: APPROVED

Ordinances

18. 05-0255 Ordinance to amend and re-enact Section 2-290, Article XII of the Code of Virginia to create a Federal Area Development Authority.

ACTION: APPROVED on second and final reading.

FY 2006 BUDGET HEARINGS

19. 05-0261 Public hearing to receive citizens' comments relative to the Fiscal Year 2006 General Fund, Capital, Solid Waste Management, Stormwater Management, Wastewater Management, E-911, EXCEL, The Hampton's, Economic Development and Hampton Roads Convention Center budgets.

ACTION: No action taken, public hearing only.

20. 05-0262 Public hearing to receive citizens' comments relative to a proposed decrease in the Real Estate Property Tax from \$1.25 per \$100 assessed value to \$1.23 per \$100 assessed value in fiscal year 2006.

ACTION: No action taken, public hearing only.

21. 05-0263 Public hearing to receive citizens' comments relative to the increase/decrease in the Hamptons and Woodlands Golf Course Green Fees, Cart Fees, and Club Rentals.

ACTION: No action taken, public hearing only.

Ordinances – Second and Final Reading

22. 05-0269 An ordinance to adopt a budget and appropriate monies for the general expenses of the City of Hampton, Virginia for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading as amended.**

23. 05-0270 An ordinance to adopt a budget and appropriate monies for the Capital Budget for the City of Hampton for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading.**

24. 05-0271 An ordinance to adopt a budget and appropriate monies for the Economic Development Fund for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading as amended.**

25. 05-0272 An ordinance to adopt a budget and appropriate monies for the general expenses of the EXCEL fund for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading.**

26. 05-0273 An ordinance to adopt a budget and appropriate monies for the general expenses of the Emergency 911 Fund for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading.**

27. 05-0274 An ordinance to adopt a budget and appropriate monies for the general expenses of the Solid Waste Management Fund for the City of Hampton, Virginia for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: **APPROVED on second and final reading.**

28. 05-0275 An ordinance to adopt a budget and appropriate monies for the general expenses of the Wastewater Management Fund for the City of Hampton, Virginia for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: APPROVED on second and final reading.

29. 05-0276 An ordinance to adopt a budget and appropriate monies for the general expenses of the Stormwater Management Fund for the City of Hampton, Virginia for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: APPROVED on second and final reading.

30. 05-0277 An ordinance to adopt a budget and appropriate monies for the general expenses of "The Hamptons" for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: APPROVED on second and final reading.

31. 05-0278 An ordinance to adopt a budget and appropriate monies for the general expenses of the Hampton Roads Convention Center for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

ACTION: APPROVED on second and final reading.

32. 05-0279 An ordinance to set the tax rate on tangible personal property, motor vehicles specially equipped to provide transportation for physically handicapped individuals, machinery and tools, and privately owned pleasure boats and water crafts used for recreational purposes only, in the City of Hampton, Virginia for the calendar year beginning January 1, 2006, and ending December 31, 2006.

ACTION: APPROVED on second and final reading.

33. 05-0280 An ordinance to set the commercial tipping fee at the Bethel Landfill in the City of Hampton, Virginia for the fiscal year beginning July 1, 2005.

ACTION: APPROVED on second and final reading.

34. 05-0281 An ordinance to set the tax rate on real properties in the City of Hampton, Virginia, for the fiscal year beginning July 1, 2005.

ACTION: APPROVED on second and final reading as amended.

35. 05-0282 An ordinance to amend the Code of the City of Hampton, Virginia, by amending and re-enacting Section 26-23 Pertaining to "Golf Course Fees."

ACTION: APPROVED on second and final reading.

36. 05-0286 An ordinance to set the Solid Waste User Fee in the City of Hampton, Virginia for the fiscal year beginning July 1, 2005.

ACTION: APPROVED on second and final reading as amended.

Ordinance – First and Final Reading

37. 05-0318 An ordinance to amend and re-enact Chapter 37 of the Code of the City of Hampton, Virginia, entitled, "Taxation," Article III, "Personal Property Taxes," Division I, "Generally" by adding a new Section 37-155.1 entitled "Personal Property Tax Relief; Amount of Reimbursement."

ACTION: APPROVED on first and final reading.

Appointments

38. 05-0315 A resolution of the City Council of the City of Hampton, Virginia appointing the Commissioners of the City of Hampton, Virginia Federal Area Development Authority.

ACTION: Resolution approved **APPOINTING:**

Alvin Bryant, M.D., Gen. Ret.
Oktay Baysal
Bob Harper, Col. Ret.
Whiting Chisman
Regina Brayboy
Tommy Thompson, Gen. Ret.
John Ishon

AUDIENCES GRANTED TO THE GENERAL PUBLIC

39. William Ernst, 2224 N. Mallory Street, spoke applauding the Council's actions on the budget and also in support of the Buckroe Master Plan.
40. The following people spoke in support of the Buckroe Master Plan: Lisa Cumming, 801 North 5th Street; JoAnn Ingram, 136 South 5th Street; and Meriwether Ingram, 136 South 5th Street.
41. Deborah Biggs, Executive Director of the SPCA, thanked the Council for their support in increasing the SPCA budget.
42. The following people spoke in opposition to the Bayfront initiative: Sandra Canepa, 3 Markham Drive; Phyllis Flanders, 13 Ranalet Drive; and Trish Ferraro, 602 Tappan Avenue.

43. Edward Miller, 14 Garrett Drive, spoke in opposition to Rezoning Application No. 1203.
44. Linda Miller thanked Council for deferring its vote on Rezoning Application No. 1203.

MISCELLANEOUS NEW BUSINESS

City Attorney A. Paul Burton indicated that the amendments to the ordinances changing the rates of the Lodging and Transient Tax and the Machinery and Tools Tax would be advertised for the May 25, 2005, City Council meeting.

Mayor Kearney requested a presentation at a later date on the program to freeze the real estate tax rate for senior citizens on a certain income.

Mayor Kearney also briefly explained the purpose of the ordinance adopted today creating the Federal Area Development Authority.

ADJOURNMENT

Contact Info:

Clerk of Council, 757-727-6315; council@hampton.gov